

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

FRANK MORRIS STOVALL,

Plaintiff,

VS.

FLORES, *et al*,

Defendants.

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CIVIL ACTION NO. 2:13-CV-00165

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO TRANSFER CASE AND DISMISS ACTION**

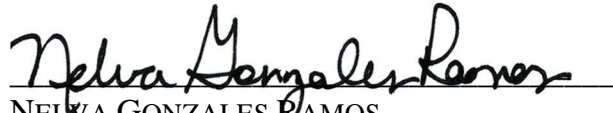
On July 17, 2013, United States Magistrate Judge Jason B. Libby issued his “Memorandum and Recommendation to Transfer Claim and Dismiss Action” (D.E. 13). The Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 13), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Plaintiff’s claims

against the TDCJ-CID Director and the Garza West Unit Warden be **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted and/or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). Plaintiff's Eighth Amendment claims against Nurse Flores are **SEVERED AND TRANSFERRED** to the United States District Court for the Western District of Texas, San Antonio Division.

ORDERED this 19th day of August, 2013.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE